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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,848	10/10/2001	Andre Hecq	P 63014 US 0	6458
7590	04/01/2005		EXAMINER	
Supervior Patent Prosecution Services Pipes Marbury Rudnick & Wolff 1200 Nineteenth Street NW Washington, DC 20036-2412			DICUS, TAMRA	
			ART UNIT	PAPER NUMBER
			1774	

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/868,848

Applicant(s)

HECQ ET AL.

Examiner

Tamra L. Dicus

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 76-84 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 76-84 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

The Examiner acknowledges cancellation of claims 1-75.

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 76-84 (new) are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,068,914 to Boire et al.

Boire teaches a colored soda-lime glass comprising a substrate made of colored soda-lime glass composed of main glass-forming constituents and of coloring agents (inherently providing green blue or green gray color because the same ingredients are present), the substrate being chosen from one of the following (A) through (C): (A) the colored glass is a soda-lime glass composed of main glass-forming constituents and of coloring agents which comprises 0.21-0.40% FeO (adds blue color), meeting Applicant's range of less than 0.4% by weight of FeO and 0.85-2% Fe<sub>2</sub>O<sub>3</sub>, meeting Applicant's range from 0.9% to 1.8% of Fe<sub>2</sub>O<sub>3</sub>, 0 to 5% MgO, falling in Applicant's range of more than 2% of magnesium oxide, and 0-0.04% MnO, falling within Applicant's range less than 0.13% manganese oxide (instant claim 84) (Boire, Example 6, col. 6, and col. 7). Boire teaches a pyrolytic coating deposited on a colored soda-lime glass substrate (Boire, col. 2, lines 15-16 and col. 8, lines 15) for antireflection purposes that provides the coated glazing with a decreased light transmission (LT) and a decreased energy transmission (ET)

Art Unit: 1774

(energy transmission values between 30-70%, col. 7, lines 25-30) with respect to the light transmission and energy transmission of the uncoated colored glass, the coated substrate being further characterized by a luminous transmittance TL between 50 and 85%, falling within Applicant's range of a light transmission (LT) equal or greater than 25.1% and between 25.1% and 71.8%. The substrate thickness is 4 mm (Boire, col. 12, lines 33-35) (instant claims 76-78 and 84).

Boire does not teach a solar factor (SF) equal or greater than 33% and between 33% and 46.4% (instant claims 76-77 and 84), and dominant wavelength requirements (instant claims 80-83); however, because the same ingredients and similar ranges for transmission values LT and ET are provided, such properties are considered inherent absent any evidence to the contrary.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 76-84 (new) are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,103,650 to Krumwiede in view of USPN 6,231,971 to Terneu et al.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the

Art Unit: 1774

inventor of this application and is thus not an invention “by another”; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(l)(1) and § 706.02(l)(2).

5. Krumwiede teaches a green blue or green gray colored soda-lime glass (includes grey-green and blue colors of instant claims 76 and 84) comprising a substrate made of colored soda-lime glass composed of main glass-forming constituents and of coloring agents, the substrate being chosen from one of the following (A) through (C): (A) the colored glass is a grey-green soda-lime glass composed of main glass-forming constituents and of coloring agents which comprises 0.3 FeO (adds blue color), meeting Applicant's range of less than 0.4% by weight of FeO and 1.03 Fe<sub>2</sub>O<sub>3</sub>, meeting Applicant's range from 0.9% to 1.8% of Fe<sub>2</sub>O<sub>3</sub>, 0 to 5% MgO, falling in Applicant's range of more than 2% of magnesium oxide, and less than 0.13% manganese oxide (includes zero and thus is not present, instant claim 84) (Krumwiede, Table 1 and col. 2, lines 15-25 and lines 56-60). The substrate thickness is 4 mm (Krumwiede, col. 7, line 31) (instant claims 76-78 and 84). Regarding claims 80-83, Krumwiede teaches the

Art Unit: 1774

dominant wavelength in the range of 480 to 510 nm, falling within Applicant's range of lower than 487 nm and between 484 nm and 486 nm (Krumwiede, col. 6, lines 2-10). Krumwiede suggests using the glass for glazing panels in vehicles (col. 1, lines 5-15 and col. 7, lines 22-25).

Krumwiede does not teach a pyrolytic coating deposited on the colored glass substrate which provides the coated glazing with a decreased light transmission (LT) and a decreased energy transmission (ET) with respect to the light transmission and energy transmission of the uncoated colored glass, the coated substrate being further characterized by a light transmission (LT) equal or greater than 25.1% or between 25.1% and 71.8%, or further characterized by a solar factor (SF) equal or greater than 33%, or between 33% and 46.4% (instant claims 76-77, 79, and 84).

Terneu teaches a pyrolytic coating deposited on a colored soda-lime glass substrate which provides the coated glazing with a decreased light transmission (LT) and a decreased energy transmission (ET) (low transmitted energy factor, col. 13, lines 35-45) with respect to the light transmission and energy transmission of the uncoated colored glass, the coated substrate being further characterized by a luminous transmittance TL of less than 35%, falling within Applicant's range of a light transmission (LT) equal or greater than 25.1% and between 25.1% and 71.8%, and a solar factor (SF) less than 70%, falling within Applicant's range of a SF equal or greater than 33% and between 33% and 46.4% (Terneu, col. 3, lines 35-61) for use with green colored substrates to provide a high level of solar screening properties and prevents glare on substrates of 4 mm (Terneu, Example 1.8, Table 1.1, col. 4, lines 14-28 and col. 5, lines 10-20).

It would have been obvious to one of ordinary skill in the art to have modified the green colored glass of Krumwiede to further include a pyrolytic coating having the various ET, LT,

Art Unit: 1774

and SF values as recited because Terneu teaches a similar pyrolytic coating within the ET, LT, and SF ranges provides a green colored glass low luminous transmission, high selectivity, reduces the load on vehicle air conditioning, contributes to the natural illumination of the interior of a vehicle in order for occupants to see out the glass, avoids glass panels creating glare, overall contributing to solar screening properties used in a vehicle (Terneu, col. 3, lines 35-61, col. 4, lines 14-27, col. 5, lines 15-30, Table 1.1, col. 13, lines 30-57 and col. 14).

6. Claims 80-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,068,914 to Boire et al. in view of USPN 6,103,650 to Krumwiede.

Boire essentially teaches the claimed invention as applied to claim 76 above. Boire does not teach a dominant wavelength as per instant claims 80-83.

Regarding claims 80-83, Krumwiede teaches the same composition of colored soda-lime glass having the dominant wavelength in the range of 480 to 510 nm, falling within Applicant's range of lower than 487 nm and between 484 nm and 486 nm (Krumwiede, col. 6, lines 2-10). Krumwiede suggests using the glass for glazing panels in vehicles (col. 1, lines 5-15 and col. 7, lines 22-25).

It would have been obvious to one of ordinary skill in the art to have modified the glass of Boire to have a dominant wavelength as recited because Krumwiede teaches the same colored soda-lime glass composition exhibits the same dominant wavelength range having a certain color and depends upon the desired color may be optimized (Krumwiede, col. 6, lines 2-10) used in glass for glazing panels in vehicles (Krumwiede, col. 1, lines 5-15 and col. 7, lines 22-25).

Art Unit: 1774

***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. Krumwiede is still used in the rejection to teach the glass substrate requirements. Boire is still used to teach pyrolytic coatings on colored glass substrates.

***References of Interest***

The remaining references listed on form(s) 892 and/or 1449 have been reviewed by the examiner and are considered to be cumulative to or less material than the prior art references relied upon in the rejection above.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

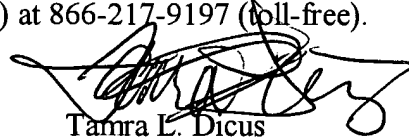


Art Unit: 1774

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamra L. Dicus whose telephone number is 571-272-1519. The examiner can normally be reached on Monday-Friday, 7:00-4:30 p.m., alternate Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tamra L. Dicus  
Examiner  
Art Unit 1774

3/22/05



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SUPERVISORY PATENT EXAMINER  
AU-1774 3/29/05